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Attorney for: Santander Consumer USA Inc. dba Chrysler Capital

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:)	Case No. 19-10869(JKS)
)	
MARIO L. STANLEY)	Chapter 13
)	
)	Hearing date: 3-28-19
)	
)	<u>OBJECTION TO CONFIRMATION</u>
)	

Santander Consumer USA Inc. dba Chrysler Capital ("Chrysler Capital") a secured creditor of the debtor, objects to the debtor's plan for the following reasons:

a. 910 CLAIM; DEBT SHOWN AS "REAFFIRMED"; PLAN DOES NOT PAY

ARREARS: Chrysler Capital holds a first purchase money security interest encumbering 2016 DODGE RAM owned by the debtor. The vehicle was purchased on 9-1-16, less than 910 days before filing. The interest rate of 4.5% in the plan is below *Till*. The plan treats the debt in the executory contract section and states that the debt is "reaffirmed". Chrysler Capital filed a proof of claim with pre-petition arrears set forth at \$2099.36. The plan should be modified to pay pre-petition arrears through the plan with current payments made directly by

the debtor to Chrysler Capital outside the plan. To accomplish this, part 4b of the plan should be modified to set forth Santander Consumer USA Inc. dba Chrysler Capital as the creditor, the 2016 Dodge Ram as the collateral, the arrearage as \$2099.36, the amount to be paid to Chrysler Capital in the plan as \$2099.36 and the regular monthly payment to Chrysler Capital outside the plan as \$693.12.

- b. **Lien retention:** Since Chrysler Capital will be paid arrears through the plan with current payments directly outside the plan, the plan should be amended to state that Chrysler Capital will retain its lien on the vehicle after confirmation and until it is paid in full by the debtor in accordance with the terms of the retail installment contract (being all post-petition payments and pre-petition arrears).
- c. **Proof of insurance:** Chrysler Capital requests that the debtor provide it with proof that the vehicle is insured as required by 11 U.S.C. 1326(a)(4).

/s/ John R. Morton, Jr.
John R. Morton, Jr., attorney for
Santander Consumer USA Inc. dba
Chrysler Capital

Dated: 2-22-19